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February 7, 1995

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Via Federal Express

Mr. William F. Caton, Acting Secretary
Federal Communications Commission
1919 M Street, N.W., Room 222
Washington, D.C. 20554

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Re: Reply Comments of Palmer Communications Incorporated
CC Docket No. 94-102, RM-8143, FCC 94-237

Dear Mr. Caton:

Transmitted herewith, on behalf of Palmer Communications Incorporated, is one original and 9 copies of its Reply Comments in the above-referenced Notice of Proposed Rule Making proceeding. Please date-stamp the enclosed file copy and return it to the undersigned in the enclosed postage pre-paid envelope. Do not hesitate to call me if you have any questions regarding this filing.

Sincerely,

Marianne H. LePera
Staff Attorney

Enclosures

cc: R. Engelhardt
P. Meehan

ORIGINAL

Before The
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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In the Matter of)

Revision of the Commission's Rules)
to Ensure Compatibility with)
Enhanced 911 Emergency Calling Systems)

CC Docket No. 94-102

RM-8143

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FEB 03 1995

To: The Commission

FCC MAIL ROOM

REPLY COMMENTS

Palmer Communications Incorporated ("Palmer"), on behalf of its wireless companies¹, hereby submits its *Reply Comments* in the above-captioned *Notice of Proposed Rule Making (NPRM)* proceeding.² In its *NPRM*, the Commission states that the primary objective of the proceeding is to ensure the effective operation of 911 service in the developing telecommunications market. In particular, the Commission proposes to adopt rules setting standards for the provision of enhanced 911 features by wireless operators. Palmer fully supports this goal. Eventually, there should be no operating differentiation between 911 service on a wireline system and a wireless system, as far as the end-user is concerned.

I. New Technology has Enhanced Access to 911. The Commission states that public health and safety may depend on emergency 911 services; thus it intends "to ensure that the effective operation of 911 services is not compromised by new developments in telecommunications." *NPRM* at ¶ 1. Palmer is acutely aware of the role wireless 911 service

¹ Palmer is the parent company of multiple cellular, SMR and paging licensees.

² Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems, *Notice of Proposed Rule Making*, CC Docket 94-102, RM-8143 (rel. Oct. 19, 1994).

plays in public safety. A Palmer³ subscriber in the Ft. Myers, FL MSA was just awarded the Cellular Telephone Industry Association's ("CTIA") "VITA" award in the "Lifesaver" category, an annual award given to a person who saved a life through the use of a cellular telephone. While attending an exhibit at a downtown Ft. Myers riverside park, a local school guidance counselor used her cellular telephone to call 911 when a man came running from the pier shouting that three boys were drowning in the river. Emergency personnel arrived almost immediately to rescue the boys. Due to the quick response made possible by a cellular telephone, the boys suffered no injuries. The guidance counselor later found out that one of the boys is a student at the school where she works. In this incident, cellular technology allowed immediate access to the 911 Public Safety Answering Point ("PSAP") and thereby enhanced, rather than compromised, the effectiveness of 911. However at present, real and substantial differences which go beyond actual access do exist between wireline and wireless 911 service.

II. The Commission's Three-Stage Plan. In order to foster the development of enhanced 911 services, such as Station Number Identification ("SNI"), Automatic Location Information ("ALI") and Selective Routing ("SR"), from wireless providers, the Commission sets forth in its *NPRM* a three-stage plan to phase in new performance requirements. In stage one, which must be complied with within 1 year of the effective date of the order adopting the new rules, wireless carriers must design their systems so the location of the base station or cell site handling the call is relayed to the PSAP. If sectorized, the exact sector must be relayed. In addition, the system should connect the caller to the PSAP closest to the caller's location; call priority must be given to 911 calls; and carriers must provide access to speech and hearing

³ FMT, Ltd. is the non-wireline licensee in the Ft. Myers, FL MSA. Palmer is the managing partner of Palmer Cellular Partnership, the general partner in FMT, Ltd.

impaired through a TTY device. In stage two, which must be complied with within three years of the effective date of the order adopting the new rules, more precise location data should be relayed, to estimate the approximate location of the caller and the distance of the mobile unit from the base station or cell site. Other enhanced features should be available, such as a re-ring/call back capability, so that the PSAP operator can call the mobile user back if the call is disconnected or dropped; relay of a subscriber's name; class of service (business or residential); base station provider's name and telephone number; priority of caller (hospital, school, etc.); transfer numbers for police, fire and ambulance; and the routing of call to a primary and secondary PSAP. By stage three, which must be complied with within five years of the effective date of the order adopting the new rules, the location of the mobile user be pinpointed in a 3 dimensional environment, latitude, longitude and elevation (for high rise buildings), with a radius of no more than 125 meters. *NPRM* at ¶¶ 49-54.

Palmer supports the eventual availability of these enhanced services from wireless carriers. A national 911 system should be mandatory for wireless carriers,⁴ but should be implemented at appropriate intervals which allow for evaluation of the preceding stage before proceeding to the next stage. Much of the technology needed to satisfy these standards is not yet economically feasible, or simply not yet developed at all. The Commission's plan to set performance standards rather than technical specifications wisely recognizes that equipment designers, manufacturers and distributors will play a great role in the success of equipping the wireless carriers with enhanced 911 features. However, setting exact deployment deadlines without providing for an assessment period before moving to the next stage may result in the need for additional regulation to modify the time table. Instead, Palmer suggests incorporating an assessment phase after each stage, to

⁴ Palmer notes that 911 service is not yet available from all wireline carriers.

allow the Commission to determine whether current technology is available and economically feasible to support commencement of the next stage. Although Palmer places a high value on providing 911 services to its subscribers, it must be recognized that the Commission's goal will not be fully achieved if the regulations are implemented at the expense of build-out. Palmer suggests the consideration of the relative importance of a fully-enhanced 911 features serving a potentially smaller wireless footprint, versus basic or partially-enhanced 911 service over a larger footprint. Palmer believes that a post-stage assessment period, as recommended above, would allow the Commission to evaluate the relative benefits of proceeding or allowing additional time for technological development.

III. Additional Considerations.

A. 911 Availability. In its *NPRM*, the Commission proposes that all "service initialized" mobile radio handsets be capable of accessing emergency services by dialing 911 without user validation. *NPRM* at ¶ 41. The term "service initialized" is defined as a phone for which "the user has purchased services from a wireless service provider." *Id.* at n. 46. Palmer is concerned that this definition may not make clear that phones on subscriber accounts which are temporarily placed on negative use status or permanently deactivated for non-payment are not "service initialized." Because the telephone is then incapable of making any calls, access to 911 will not be possible. Palmer believes that classification of a negative use or deactivated phone as not "service initialized" is consistent with the approach taken by wireline carriers - if payment of the telephone bill is delinquent, then the telephone is incapable of making any calls including those to 911. As with residential or business wireline service, wireless carriers should not be required to provide service for which it will not be compensated.

B. Blocking Factors. In the *NPRM*, the Commission determines that federal blocking standards are not required at this time. Palmer agrees that until technology is further developed and implemented which may allow for priority to be assigned to 911 calls, this conclusion is appropriate. However, Palmer believes that for the 911 program to be most effective, blocking specifications for 911 calls only, will be important to the effectiveness and success of the program. Palmer suggests that after the successful implementation of 911 call priority envisioned as part of the Commission's stage one, discussed above, then-current blocking data should be reviewed as part of a post-stage assessment. At that time, the Commission should consider what blocking factor standard should be implemented and applied to 911 calls.

C. Equipment Labeling. In order to make wireless equipment users aware of the current limitations regarding enhanced 911 features, the Commission suggests that within 30 days of the effective date of the order adopting rules in this proceeding, that equipment and its packaging be labeled with a warning statement to indicate that the PSAP operator may not know the identity of the caller or how to call back if disconnected, unless the caller provides specified information. *NPRM* at ¶ 55. Palmer recommends that if adopted, this provision apply only to new equipment ordered after the effective date. The retro-fit of equipment which is already issued to customers cannot be uniformly ensured, as providers will be merely dependent upon customers taking the time to bring in their equipment for labeling. Moreover, a retro-fit will be complicated by the fact that a great deal of equipment is sold by someone other than the wireless service provider. It would be unfair to assign that responsibility to anyone other than the party which reaped the benefit of the sale of the equipment in the first place. Because complete compliance with the labeling requirement cannot be ensured due to the need for customer cooperation, Palmer

suggests that only new equipment be required to bear a warning label. In the alternative, however, Palmer suggests that, if existing equipment is required to be labeled, service providers should only be required to send the warning labels with instructions for affixation to subscribers along with a monthly billing statement.

D. Privacy. In the *NPRM*, the Commission solicits comments regarding the need for standards which address the issue of privacy of information obtained through enhanced features. *NPRM* at ¶ 56. Palmer agrees with the Commission that privacy of calls to 911 is not a large concern. Regarding voice transmissions to 911 operators, Palmer believes that no standards are necessary at this time. Indeed, privacy will be provided for as digital technology is deployed throughout the wireless networks.

E. Preemption. The Commission seeks comment on its plan to preempt inconsistent state regulation which affects interstate service or which “thwarts or impedes a federal policy.” *NPRM* at ¶ 59. Palmer also supports the preemption of inconsistent state regulation of 911 regulation.

IV. Conclusion. Palmer fully-supports the Commission’s goal to establish a uniform 911 service capable of enhanced features. However, Palmer is concerned by the Commission’s application of timetables in an environment where the necessary technology is either not developed, or not economically feasible. Palmer suggests the implementation of post-stage assessments after each of the Commission’s three proposed stages, during which the Commission can evaluate the success of the preceding stage and the readiness for the following stage. Palmer suggests an evaluation of the relative benefits of expending capital toward enhancing 911 features, perhaps at some expense to expanding coverage, versus expanding geographic coverage (and

thus, 911 accessibility) within which basic or limited enhanced 911 features are available. Palmer suggests that the definition of "service initialized" handsets be clarified to exclude mobile units which have been placed on negative use status or disconnected for non-payment. Palmer believes that although not appropriate at this time, blocking standards for 911 calls only will be important to the effectiveness and success of the 911 program. In the event the Commission decides to require warning labels on wireless equipment, Palmer opposes the retro-fit of existing equipment and recommends that only new equipment be subject to the labeling requirement. Regarding the issue of privacy raised by the Commission, Palmer believes that this is not a significant concern, and suggests that privacy issues with respect to voice transmissions will be adequately addressed by the deployment of digital technology. Finally, Palmer supports the Commission's plan to preempt inconsistent state 911 regulations.

Respectfully submitted,

PALMER COMMUNICATIONS
INCORPORATED

By:



Robert G. Engelhardt
Executive Vice President and Secretary
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CERTIFICATE OF SERVICE

I, Lucy DiMare, a secretary with Palmer Communications Incorporated, do hereby certify that the foregoing REPLY COMMENTS were served, via First Class United States mail, postage prepaid, on this 7th day of February, 1995, upon the following parties:

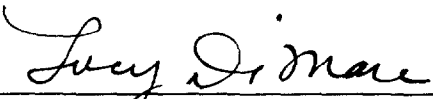
Chairman Reed E. Hunt
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Lucy DiMare